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 GOAL ZERO, LLC and  
 FALVEY CARGO UNDERWRITING, LTD.

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

GOAL ZERO, LLC, a corporation;  
 FALVEY CARGO UNDERWRITING,  
 LTD., a corporation,  
  
 Plaintiffs,  
  
 v.  
  
 CARGO FREIGHT SERVICES, LTD., a  
 corporation; CARGO FREIGHT  
 SERVICES LTD., a foreign entity of  
 unknown form; and DOES ONE through  
 TEN,  
  
 Defendants.

Case No. 3:16-cv-4055

**COMPLAINT FOR DAMAGE TO OCEAN  
 CARGO**

(Damages in the sum of \$95,183.55)

Plaintiffs' complaint follows:

1. Plaintiffs GOAL ZERO, LLC ("GOAL ZERO") and FALVEY CARGO UNDERWRITING, LTD. ("FALVEY"), are now, and at all times herein material were, corporations duly organized and existing by virtue of law. Plaintiff GOAL ZERO is a citizen of Utah and was the owner of the hereinafter described shipment. Plaintiff FALVEY is a citizen of the state of Rhode Island and was the insurer of said shipment.

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1           2.       Plaintiffs are informed and believe, and on the basis of that information and belief  
2 allege that, CARGO FREIGHT SERVICES, LTD., is a Georgia corporation, and CARGO  
3 FREIGHT SERVICES, LTD., a foreign entity of unknown form with the same name as  
4 aforementioned the domestic corporation (collectively “CFS”); and DOES ONE through TEN  
5 are now and at all times herein material were engaged in business as a common carriers for hire  
6 within the United States and within this judicial district.

7           3.       The true names of defendants sued herein as DOES ONE through TEN, each of  
8 whom is responsible for the events and matters herein referred to, and each of whom caused or  
9 contributed to the damage herein complained of, are unknown to Plaintiffs, who therefore sue  
10 said defendants by such fictitious names. Plaintiffs will amend their complaint to show the true  
11 names of said defendants when the same have been ascertained.

12           4.       Plaintiffs’ complaint contains a cause of action for non-delivery of ocean cargo  
13 arising under The Hague-Visby Rules and is therefore within the jurisdiction of this Court  
14 pursuant to 28 U.S.C. § 1333. Alternatively, cause of action for non-delivery of ocean cargo  
15 arises under a statute of the United States, namely the Carriage of Goods by Sea Act, 46 U.S.C.  
16 30701, *et seq.*, and is therefore within the jurisdiction of this Court pursuant to 28 U.S.C. § 1331,  
17 as well as 28 U.S.C. § 1333. Venue is proper under 28 U.S.C. § 1391(b).

18           5.       This is a cause of action for damage to ocean cargo, and is an admiralty and  
19 maritime claim within the meaning of Rule 9(h), Federal Rules of Civil Procedure, as hereinafter  
20 more fully appears.

21           6.       Plaintiffs are informed and believe, and on the basis of such information and  
22 belief allege that, on or about June 4, 2013, in Hong Kong, China, Defendants received 126  
23 cartons of solar energy equipment, and others, for carriage under bill of lading number  
24 SHK1300442, and others, issued by and/or on behalf of said Defendants. CFS agreed, under  
25 contracts of carriage and in return for good and valuable consideration, to carry said cargo from  
26 Hong Kong, China to Rotterdam, Netherlands, and there deliver said cargo to the lawful holder  
27 of the aforementioned bill of lading, and others, in the same good order, condition, and quantity  
28 as when received.

